

**MINUTES OF THE GREENSBORO HISTORIC
PRESERVATION COMMISSION
CITY COUNCIL CHAMBER
MELVIN MUNICIPAL OFFICE BUILDING
MAY 31, 2006**

MEMBERS PRESENT: CHAIR BOWERS, AYSCUE, COLEMAN, FREYALDENHOVEN, HATFIELD, HENSLEY, STOUT, WHARTON.

STAFF PRESENT: STEFAN-LEIH GEARY and MIKE COWHIG, Housing and Community Development (HCD); TIM ELMORE, City Staff; MIKE WILLIAMS, City Attorney's Office.

CALL TO ORDER

Chair Bowers called the meeting to order at 4:05 p.m. and welcomed everyone. She welcomed all of them.

ADJUSTMENTS TO AGENDA

Mr. Cowhig said with Item a), 912 Walker Avenue, under the Applications for the Certificates of Appropriateness (COA), the applicant called and said he was sick and would like to have that Item continued.

Because there are some legal with Item d), 110 Fisher Park Circle, staff would like to move that to the start of the agenda.

Also Item e), 204 West Bessemer Avenue, has been approved at the staff level because our City Arborist and a certified private arborist agree that the tree should be removed, so that allow it to be approved at staff level.

As to Item f), 302 Parkway, they are requesting a continuance because they are getting ready to have a baby.

Mr. Wharton moved that Item d), 110 Fisher Park Circle, should be moved to the first item under Applications for COAs, seconded by Mr. Stout. The Commission voted unanimously 8-0 in favor of the motion.

INTRODUCTIONS AND PROCEDURES

Chair Bowers introduced the Commissioners and staff and gave a brief overview of the procedures that the meeting would follow.

STAFF AND SPEAKERS SWORN OR AFFIRMED

All persons who intended to speak at the meeting, as well as staff, were sworn or affirmed. Chair Bowers said if anyone else decided to speak later, they would be sworn in at that time.

Commissioners confirmed that they had received their packets in a timely manner; no Commissioner had a conflict of interest with regard to any item on the agenda; no Commissioner had discussed any application prior to the meeting.

APPROVAL OF ABSENCES:

The absence of Commissioner Kelly was approved.

APPROVAL OF MINUTES FOR APRIL 26, 2006 MEETING:

Mr. Stout moved approval of the April 25, 2006 meeting as submitted, seconded by Ms. Coleman. The Commission voted unanimously 8-0 in favor of the motion.

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS (PUBLIC HEARING):

- a) **Location: 912 Walker Avenue**
 Application No.761
 Applicant: James Cassell
 Property Owner: Laura Little
 Date Application Received: 5-9-06 (CONTINUED)

Description of Work

During re-roofing of the front porch an original balcony was removed. The applicant is requesting approval of the removal of the balcony.

This item was continued at the beginning of the meeting.

- e) **204 West Bessemer Avenue**
 Application No. 771 (addendum to COA 739)
 Applicant: David Brossoit
 Property owner: David Brossoit
 Date Application Received: 5-17-06

Description of Work

Removal of tree (amendment to COA 739)

This item was approved at staff level.

- f) **Location: 302 Parkway**
 Application No. 758
 Applicant: Stephen Dalstedt
 Property Owner: Stephen Dahlstedt
 Date Application Received: 5-5-06

Description of Work (from application)

"Remove the canopy on the roof over the Front Porch, there's no access to the canopy, and it is completely rotten. She is upgrading her home and it will be too expensive for her to rebuilt."

This item was continued at the beginning of the meeting.

- d) **Location: 110 Fisher Park Circle**
 Application No. 759
 Applicant: Richard Rhyne
 Property Owner: Richard Rhyne
 Date Application Received: 5-5-06 (Conditional COA)

Description of Work

Installation of portable garages.

Note: The portable garages (tents) have been in place for several years. They are used to shelter classic cars. According to City ordinance Section 6-24, tents and similar temporary structures require a permit and a Certificate of Appropriateness. The ordinance says that tents may be erected on a temporary basis for no more than 60 days.

Based on information contained in the application, the staff recommends against granting a Certificate of Appropriateness. In the staff's opinion the proposed project is incongruous with the *Historic District Design Guidelines—Garages and Accessory Structures (page 36)* for the following reasons:

Fact: The tents are constructed of fabric and metal frames that are materials that are not similar to materials used in historic garages and accessory structures in the historic districts.

Guideline: 2. *Design new garages and outbuildings to be compatible with the main structure on the lot in material and design using existing historic outbuildings in the districts as an example.*

In response to a question from Ms. Hatfield, Counsel Williams said the reason this case was before the Commission is that in order to erect a tent-like structure, there has to be a building permit issued. In order to get a building permit, as you know, in an historic district you must have the approval of the Historic Preservation Commission. Even if you were to believe that this is something that should be granted, there is an ordinance that governs this, which says in Section 6.24 in the Greensboro Code of Ordinances that no tent or similar temporary structure shall be erected without a permit from the building inspector. Nevertheless, no such tent or temporary structure shall be erected for a period exceeding 60 days without an intervening period of 30 days. So in essence, if it is a structure that is up more than 60 days, the person would have to go and come back through the process, show that it has been down for 30 days and then apply again and they would have to come back to you.

Ms. Hatfield said then what Counsel Williams was saying was whatever the Commission does, the person erecting the tent is in violation of Codes that we are not even a party to enforcing.

Counsel Williams said first of all, if it does not have a permit from the building inspector, it is in violation and secondly, even if it did have a permit, it is has been up for more than 60 days, it is in violation. Thirdly, in order for it to have gotten a building permit from a building inspector, it had to come to this Commission first because it is in an historic district. He said he could say that.

In response to a question from Ms. Coleman, Mr. Cowhig said he thought this structure had been up for about four years, although he was not positive of that, but it has been up quite a while.

Mr. Wharton asked if there had been a similar structure put in the College Hill District, and he was told that there was. Is it possible that it is simply beyond the Commission's purview to say anything about it?

Mr. Cowhig said if it is considered a structure requiring a permit, then it would also require a COA, but the guidelines do not make any provisions for this type of a structure, tent, whatever you would

call it.

Counsel Williams said if his memory served him right, he believed that at some points there could be a reason to have a temporary structure if someone is constructing something and needs to store something and that you would say that it could be up for 60 days and then if it is not finished, they would have to come back to the Commission again to get permission to allow it for longer than that period of time. If he was remembering correctly, that was one of the circumstances in College Hill.

Chair Bowers said she remembered; Jennifer Barnes had a car that they needed to cover it. She and her husband were working on an antique car and were going to move it after a certain amount of time. It sounds like even if the

Counsel Williams said were the Commission to issue a COA, it would only be valid for 60 days. He said it appeared that the intent was not to allow tent structures to become permanent. That appears from the way this ordinance is written.

Mr. Cowhig added that he thought they had identified a number of areas where the guidelines might be improved by adding some things. They want to come back with some tweaking of the guidelines regarding windows, we have had situations where people have improperly pruned trees and these are things he thought the staff would probably like to come back with some proposed amendments.

Mr. Cowhig said there were two tents, although it was difficult to see the one at the back.

In response to a question from Mr. Stout, Mr. Cowhig said the one in front he would call more of a canopy. The one in the back he thought has walls or it looks that way to him, which seems to be more of a tent.

In Support

Richard Rhyne, 110 Fisher Park Circle, previously sworn in.

In Opposition

Sue Harden, 108 Fisher Park Circle, previously sworn in.

Tim Elmore, Field Operations, Storm Water Maintenance, City of Greensboro, previously sworn or affirmed, was present to answer any questions of the Commissioners. He said unfortunately for Mr. Rhyne, it had been a long process with the storm water systems on his property. He was really sure of the time frame when they had been there, but to the best of his memory they were asked to visit the site by someone early in 2000 for some sink holes on property and some other items. They did discover that there was a storm sewer system that had failed on the rear of the property. This was actually after the system had been rerouted, as Mr. Rhyne had alluded to in the early 1990s. At that time, they worked through a third-party contractor to come in and slip line the section of the system that is to the rear of the property only because the rest of the system was in good condition. They had it TVed and it was in good condition so it was only prudent to repair that section. Unfortunately, the other section, which was a corrugated metal pipe, actually invert rusted and began to fail. The first slip line was install in about August 2002. After 2002, they did not need to visit the property. Mr. Rhyne called them in May 2005 to make them aware of the void under his driveway that he had mentioned earlier. After that, they TVed the system again, found that that portion that was not slip lined had failed. They then had another contractor come in with a different slip line material and slip lined the entire system from the street to the rear of the property. Mr. Rhyne has spoken about the laterals that were left in place in the other system, which is true, which is standard procedure. When

you reline a system, you cut the laterals in because you do not want to cut off a live system coming from a property and these lines are generally in 4-inch diameter and they could come from anywhere, basements, gutters or whatever. You really have no way of tracing them. It was determined last year when they sliplined the property, that all the laterals would be killed, which means it would be a continuous liner; they would not be cut in. In September after that was done, they were ready to proceed to making the repairs to the driveway, which was to remove the concrete and fill the void around the system with a flowable fill because they could not use conventional backfill and compaction equipment because of the proximity to the house. The couple of times they had tried to schedule that, Mr. Rhyne and his engineer decided they wanted to monitor the situation. So Storm Water Resources have been in position to reschedule that work at any time. In fact, they had tried to get this rescheduled again in February and then as late as May of this year through Mr. Albright. That is pretty much where they stand now. But from 2002 until May 2005, to his knowledge there were no issues with egress onto his property to the rear to the driveway.

Mr. Stout asked if it were reasonable that this could be handled within 60 days?

Mr. Elmore responded, "Sure, from their perspective."

Ms. Geary asked to make one clarification. Mr. Elmore referred to a Mr. Albright. That is Clyde Albright that they have been working with from the City's Legal Department.

Proponent rebuttal

Mr. Rhyne said it pretty all fits together. There have been lots of sub-issues and big issues trying to get this thing resolved and he would love to see it done in 60 days. He would liked for it to have been many 60 days past. They had to determine whether the situation had stabilized and he thought they felt that it had now and can figure what solution both sides are willing to do as a final step.

Summary

Chair Bowers said this is Application No. 759 for 110 Fisher Park Circle. The applicant is Richard Rhyne. The description of the work is installing a portable garage after-the-fact. Staff comments were to deny the application, quoting that this is not really covered under the guidelines. No guideline specifically related to this though he used the accessory building guidelines to come up with their comments. He said there were two tents with steel frames to protect classic cars. City ordinance requires a permit to have these two tents and to get the permit they just have a COA first. These tenants can be constructed for no longer than 60 days. Counsel Williams cited Ordinance 6.24 and again reiterated that any tent can be put up for 60 days, must be down 30 days, and then the applicant must apply for a new permit. If these are considered structures, they need COAs and again cited that there were no provisions in the guidelines. There was also comment that this had been done in College Hill on a temporary basis.

Speaking in favor of the application is Richard Rhyne, 110 Fisher Park Circle, who reviewed the history of his drainage problems under his house and mentioned that this has been going on in the late 1990s and 2000s. His basement has flooded and he had sinkholes basically underneath his driveway and under his house. He said that a year and a half ago the driveway was still undermined so much that he could not move his vehicles or felt like the drive might cave in. The storm drain had again failed. The City has offered to redo the drive. After much back and forth and talking with the City, they have an agreement in September that it appeared to be holding up and now they feel like everything is stable. Ms. Freyaldenhoven asked if, in turn, he had asked the City for a permit. He

said he had a path for the carport and would like to go ahead and apply to prevent the fines. Mr. Cowhig commented that Mr. Rhyne had gotten a violation from the zoning. Counsel Williams said there had been neighborhood complaints and suggested the possibility of car covers. They discussed the violations, one in November of 2003, one was denied in June of 2004, there was a \$50 fine in April of 2006 and \$100 fine in May of 2006.

Speaking in opposition to the application is Sue Harden, 108 Fisher Park Circle, who would not be opposed to a 60-day tent, but these had been up considerably longer, possibly more than four years. It was unsightly and she had seen the suburban in the driveway and did not object to the homeowner protecting his cars, but would really like to see a structure that followed the guidelines.

In a staff clarification, Tim Elmore with the City of Greensboro spoke and reviewed again the problems that Mr. Rhyne had with the sinkholes and the unstable driveway and reviewed how they had responded and felt like at this point they are ready to reschedule any time to the repair of the driveway. He felt it could be handled within 60 days.

Speaking briefly in rebuttal for the applicant, Richard Rhyne reiterated that a lot of time had gone on with this process.

Discussion

Mr. Wharton asked how the other Commissioners would feel about 60 days. That makes the neighborhood happy and makes Mr. Rhyne happy and then he has to address the issue. The City said they thought they could have it handled within 60 days. He thinks they can have it handled within 60 days.

Several Commissioners responded that they thought this would be reasonable.

Ms. Freyaldenhoven said that would be with the understanding that Mr. Rhyne was coming back to build a real carport and that would need a COA.

Chair Bowers said a cover for the cars could be used, but the tents had to be gone within 60 days.

Counsel Williams said the Commission was basically allowing a COA for 60 days. He would have to take that to Building Inspections and get a tent permit. You cannot grant a tent permit, but you can prevent one.

The question was asked, would that be 60 days from today or 60 days after he gets his tent permit?

It was determined that Mr. Rhyne should apply for a tent permit right away. Mr. Rhyne is getting fines so he has motivation to move ahead.

Counsel Williams said Mr. Rhyne was asking for a COA from the Commission. He would have to have this COA in order to apply, but the fact that he has gotten the COA from you, the COA from you is good for a year.

Mr. Wharton said the Commission could put a condition in the COA that the COA expires. How long does the permitting process normally take to get a tent permit?

Mr. Stout suggested that the Commission put a maximum of 90 days on the COA, which would give him time to get his tent permit and get everything taken care of.

Finding of fact

Mr. Wharton moved that based on the facts presented in Application No. 759 and the public hearing, the Greensboro Historic Preservation Commission finds that the proposed project is congruous with the *Historic District Program Manual and Design Guidelines* and that staff comments and **Guideline No. 2** are acceptable as findings of fact. Mr. Stout seconded the motion. The Commission voted 8-0 in favor of the motion. (Ayes: Bowers, Ayscue, Coleman, Freyaldenhoven, Hatfield, Hensley, Stout, Wharton. Nays: None.)

Motion

Mr. Wharton moved that the Greensboro Historic Preservation Commission approves Application No. 759 and grants a Certificate of Appropriateness to Richard Rhyne for work at 110 Fisher Park Circle with the condition that the Certificate of Appropriateness expires 90 days from this date. Ms. Freyaldenhoven seconded the motion. The Commission voted 8-0 in favor of the motion. (Ayes: Bowers, Ayscue, Coleman, Freyaldenhoven, Hatfield, Hensley, Stout, Wharton. Nays: None.)

Ms. Geary said just as a point of information, she had just called Building Inspections and they said it takes 10 or 15 minutes to get a building permit for a tent, but Mr. Rhyne will need a document that comes with the tent and he will also want to give Zoning a call and make sure that there is nothing else he needs to do for Zoning in order to get that.

Chair Bowers said Commissioner Hatfield needed to leave the meeting at 5:30 p.m.

Mr. Wharton moved to excuse Commissioner Hatfield at 5:30 p.m., seconded by Ms. Freyaldenhoven. The Commission voted 7-1 in favor of the motion. (Ayes: Bowers, Ayscue, Coleman, Freyaldenhoven, Hensley, Stout, Wharton. Nays: None. Abstain: Hatfield.)

b) Location: 815 West Market Street
Application No. 769
Applicant: Susan Sessler
Property Owner: Greensboro College
Date Application Received: 5-15-06 (GRANTED WITH CONDITIONS)

Description of Work

Construction of bus stop shelter in front of West Dormitory along former College Place.

Note: College Place was closed two years ago and is no longer a public street. However, City buses will use it as part of the HEAT (Higher Education Area Transit) program.

Based on information contained in the application, the staff recommends in favor of granting this Certificate of Appropriateness. In the staff's opinion the proposed project is congruous with the *Historic District Design Guidelines—Streets, Sidewalks, and the Public Right-of-Way (page 20)* for the following reasons:

Fact: The bus stop shelter will be constructed and located according to Greensboro Department of Transportation and ADA standards. It will not obstruct the sidewalk or the streetscape.

Guideline: 1. *Locate items such as street furniture, benches, trashcans, and publication racks, so*

that they do not obstruct sidewalks or the streetscape.

In support

Susan Sessler, Greensboro College, 815 West Market Street, was sworn or affirmed.

Jennifer Burns, 126 South Mendenhall, previously sworn or affirmed; represented the College Park Neighborhood Association.

In opposition

None.

Rebuttal

Susan Sessler, Greensboro College, 815 West Market Street.

Summary

Chair Bowers said this is Application No. 769 for work at Greensboro College, 815 West Market Street. The applicant is Susan Sessler. The description of work is constructing a bus stop. Staff recommended approval, citing Guideline No. 1 (page 20) and offered a wood option as well as a metal option. Greensboro College worked with the Department of Transportation (GDOT) to come up with this location on campus. This is an on campus spot with a private drive.

Speaking in support of the application is Susan Sessler, Greensboro, 815 West Market Street. She said they worked with the City and that this would be really good for the students because they can ride the buses by just showing an ID. She said it either could be built of wood or metal.

Speaking on behalf of the College Hill Neighborhood Association is Jennifer Burns, 125 South Mendenhall Street. She said the Association was not opposed to it in principle, but were concerned about the location that would create greater traffic within the neighborhood. She asked Greensboro College to consider changing the route.

Speaking in rebuttal is Susan Sessler, 815 West Market Street, who said they really had no problem moving it closer to Market Street and that GDOT had selected the site. They will work with staff and could probably tuck the bus stop back so it was not obstructing traffic on West Market Street.

Discussion

None.

Finding of fact

Ms. Freyaldenhoven moved that based upon the facts presented in Application No. 769 and the public hearing, the Greensboro Historic Preservation Commission finds that the proposed project is congruous with the *Historic District Program Manual and Design Guidelines* and that the following Guidelines, page 20, No. 1, are acceptable as findings of fact. Ms. Hensley seconded the motion. The Commission voted 8-0 in favor of the motion. (Ayes: Bowers, Ayscue, Coleman, Freyaldenhoven, Hatfield, Hensley, Stout, Wharton. Nays: None.)

Motion

Therefore, Ms. Freyaldenhoven moved that the Greensboro Historic Preservation Commission approve Application No. 769 and grant a Certificate of Appropriateness to Susan Sessler,

Greensboro College, for work at 815 West Market Street, with the following conditions: That the metal bus stop present presented be implemented and that the location actually be moved closer to Market Street so that bus access is on and off of Market Street. Mr. Stout seconded the motion. (Ayes: Bowers, Ayscue, Coleman, Freyaldenhoven, Hatfield, Hensley, Stout, Wharton. Nays: None.)

- c) **Location: 758 Chestnut Street**
 Application No. 767
 Applicant: Charlie Connor
 Property Owner: Charlie Connor
 Date Application Received: 5-12-06 (GRANTED WITH CONDITIONS)

Description of Work:

Construction of a second story addition according to attached plans and elevations.

Materials for the addition will include fiber cement lap siding that matches the existing wood siding on the house, painted to match the existing house colors. New windows will be insulated glass windows with trimwork to match the existing windows on the front and side of the house. Siding from the rear of the house will be used to finish the front facing portion of the mudroom and other areas disturbed during construction.

The front of the house currently has three front doors. Only the front entrance is original. The other two doors will be replaced with original windows that currently are being used as closet doors inside the house.

Based on information contained in the application, the staff recommends against granting this Certificate of Appropriateness. In the staff's opinion the proposed project is incongruous with the *Historic District Design Guidelines—Additions (page 76), Roofs (page 53) and Windows and Doors (page 57)* for the following reasons:

Fact: The proposed addition will use fiber cement siding and insulated windows that are materials and details that are similar yet do not match the original structure. However, the large gables at the back of the house are not similar to the hipped roof form of the house and are therefore incompatible with the historic character of the structure. The proposed skylights are located on the side slopes of the roof and therefore will be visible from the street.

Guideline (page 76): *1. In terms of material, style, and detail, design additions to be compatible with the original structure rather than duplicating it exactly.*

Fact: Rather than being distinguishable from the original structure, the addition result in the reconfiguration of the roof at the back, essentially raising the roof in order to accommodate interior space.

Guideline (page 76): *2. Distinguish additions from the original structure through change in roofline, wall plane, detailing and/or material.*

Fact: The addition will alter the pyramidal roof form that is a character-defining feature. The hipped roof wing and back porch will also be lost forever.

Guideline (page 76): 3. *Locate, design and construct additions so that the character-defining features of the historic structure are not obscured, destroyed, damaged or radically changed.*

Fact: The addition essentially adds a second story to a one-story house. The scale of the addition is such that it will compromise the integrity if the original structure.

Guideline (page 76): 4. *Limit the size and scale of additions so that the integrity of the original structure is not compromised.*

Fact: The rise of the addition will be higher than the roof height of the original structure.

Guideline (page 76): 5. *Changes in height that alter the character and scale of the existing building to accommodate an addition are not appropriate.*

Fact: The addition will not involve significant site disturbance.

Guideline (page 76): 6. *Minimize site disturbance for construction of additions to reduce the possibility of destroying site features and/or existing trees.*

Fact: The addition will result in changes to the original roof form.

Guideline (page 53): 1. *Retain and preserve original roof form, pitch, overhang, and significant features such as chimneys, dormers, turrets, cornices, balustrades, and widows walks.*

Fact: The proposed skylights are located on the side slopes of the roof and therefore will be visible.

Fact: Replacing the doors on the front elevation with windows with original windows will restore the general fenestration of the most prominent elevation.

Guideline (page 57): 1. *Retain and preserve the pattern, arrangement, and dimensions of window and door openings on principal elevations. Often the placement of windows is an indicator of a particular architectural style, and therefore contributes to the building's significance. If necessary for technical reasons, locate new window or door openings on secondary elevations, and introduce units that are compatible in proportion, location, shape, pattern, size, materials, and details to existing units.*

In support

Diane Connor, 758 Chestnut Street, previously sworn or affirmed.

Charlie Connor, 338 Murray Street, previously sworn or affirmed.

Commissioner Hatfield left the meeting at 5:47 p.m., having previously been excused by the Commission.

Mindy McReynolds, 605 Summit Avenue, previously sworn or affirmed; represented the Charles B. Aycock Board of Directors.

In opposition

None.

Summary

Chair Bowers said this is Application No. 767 for work at 758 Chestnut Street. The applicant is Charlie Connor. The description of work is an exterior alteration and addition. Staff recommended denying the application in that it did not meet Guidelines 1,2,3,4,5 and 6, Page 76 and Guideline 1, page 53 and No. 1, Page 57. Staff commented that the front of the house had three openings and two were closet doors and the original windows were inside the house and could be put back into place. The house had been discussed at length with the Design Review Committee and concerns were shared. The applicant has adjusted the designs to meet some of those concerns. The biggest question was about the hip roof being lost across the back and the addition is rather large in comparison to the size of the house. The Commission saw a picture of the inside windows, the ones being used as closet doors and Mr. Cowhig said there was evidence that they had been the old windows. There was a question about additional square footage.

Speaking in support of the application was Diane Conner of 758 Chestnut Street, who commented that when she saw the house that they really had a strong feeling for the house, but it was a very small house and needed more kitchen since it only had a sink. Also speaking in support of the application was Charlie Conner of 758 Chestnut Street who passed around a handout reviewing all the previous conditions. He said that the house was currently 1,462 square feet with a center hall taking up approximately 260 square feet. So with the addition the square footage would be 2,180 square feet. He spoke about how the peak in the front would not be seen well from the street and that the whole house was surrounded by apartment buildings and so anything in the back would not be seen from the street. Also speaking in support of the application was Mindy McReynolds, 604 Summit Avenue, who was representing the Aycock Neighborhood supporting the application as is. She also commented that market study had shown that there had been a 60 percent in property values in the Aycock Neighborhood.

There was no one to speak in opposition to the application.

Discussion

Ms. Freyaldenhoven said she supported their interest and love for this house. It is a wonderful thing. The Commission is really here to finding facts according to the Guidelines and in looking at the plans that the applicant has, it is easy to see that the plans could be modified to bring them within the Guidelines. So she personally could not vote in favor of this plan and elevation. Just by looking at the plan, you can see that by making some modifications that roofline could be brought down. She thought that the hip jumping up there in the back really does affect the overall feel of this house and the quality of the architectural style. In addition, as John Lind and Mr. Cowhig said, you can absolutely do an addition to this house to achieve what you want to achieve in getting the square footage and even going upstairs without having the peak like that.

There was then a long involved discussion between Mr. Connor and the Commissioners as to why he was doing certain things and which of those things could actually be seen from the street.

Mr. Stout said he would agree with Ms. Freyaldenhoven and did not think he could support it the way it is now. He gave his reasons, the main reason being he did not believe it met with the Guidelines now. He understood Mr. Connor's concern about keeping within the footprint, but the Commission has parameters that we have to look at also.

Mr. Connor said another problem he has is that the insurance company is insisting that a new roof be put on the house and this has to be done within six months. If they cannot go through with this, they are looking at whether they would just back it back on the market or not. He really would be hard-pressed to put a roof on just to have to tear it off to put an addition on later.

Mr. Wharton said in terms of design, this is a close call for him because he thinks it is certainly not the perfect addition or the perfect solution to their problem. But he would say he found it just a barely acceptable solution for the problem so he thought he would vote in favor of this one.

Chair Bowers said she did not think it was absolutely dated; she thought it was borderline. She just feels like she had sympathy for the Connors because it is so surrounded by apartments building and there is not much future for them going anywhere.

Ms. Freyaldenhoven said they had to be careful being sympathetic. This could be done differently. It will cost more money just as with window replacement issues that we are faced with all the time. For everyone who comes in here, there is a less expensive way to do it, but we are holding them to the standards of the Guidelines. So although she can appreciate what they are saying, she thought they had Guidelines with which we have to adhere. She thought there might have to be compromises as far as spending more or getting less square footage.

Mr. Stout said another thing they have to be careful of, as stated by Ms. Hatfield about encouraging single-family development there. We have to view this as if it were in College Hill or Fisher Park. The apartment buildings are unfortunate, but he felt bound to the Guidelines. He thought there were still some questions about windows and doors and anything else, but it all depended on where we are going with it. He just did not want the Commission to overlook that part if it goes to a vote.

Chair Bowers said she guessed the question is, from the homeowners' point of view, is it just totally impossible to do any alterations to avoid the peak. She thought the peak was the biggest concern.

Mr. Connor said he looked at going down to one bedroom upstairs and just having some sort of dormer and whatever and that was another thing the architect mentioned was having dormers on the side, which would probably be more intrusive than the skylights. But that would take them back to two bedrooms. From a marketability standpoint, he thought that might be part of the reason why the house is not selling or did not sell and lost value because of the two-bedroom, one-bath just is now what most families are looking for. He thought by putting the third bedroom in there makes it more marketable. They looked at a lot of different options and that was part of what they are trying to accomplish. He also looked it with going out the back and that was one of the original plans. After they looked at the cost, they said it was a little high and he was almost still looking because he was not quite sure why the price was going down on this house, whether it is because of the location, because the house itself has not changed that much. He said they looked at it in terms of the Guidelines and if things continue along the way they are, the house would wind up being torn down by the City. They are looking at in terms of some significant costs just to bring it back up to Code. It is not even livable at this point. Also the Chestnut Street neighborhood is one of the concerns that he had when they bought the house in that it does not look like the other streets in the neighborhood. He understood the Guidelines were there, but sometimes maybe some extenuating circumstances it would make sense. In other words, if they preserve the front of the house from the street and the back changes, he felt it would better for the neighborhood rather than just letting the whole thing run downhill. What everybody else has done in this block is turn them into two bedroom or one bedroom apartments and he was not even sure with three doors on the front, it might have somehow have been a two unit apartment at some point in its former existence.

Ms. Ayscue said why would she agree with what you are saying about staying within the Guidelines. This is a house that is going to be torn down. These people are willing to put a lot of their money into it, tried to keep it within the Historic Guidelines, but also to make it livable for their needs as well. So she really did not know how she felt about it. She understood the concerns with the roofline, but she also understood that this is a house that is not even livable.

Ms. Hensley said the view from the front seems to be the major concern that you can see that peak. If this angle is correct here and if it was not visible from the middle of the street, it is not going to be visible on the side of the street the house is, it seemed to her the angle of visibility is a big thing. There are apartment buildings across the street. She really did not care if they can see it from their second story window. To her, what you see is you ride by in the car and what you see as you walk by on the street. If it were not easily visible from a reasonable distance away, then she would have no problem with it being higher. What they are doing to the back really makes it look like any modern house from the house. But if there is not visible from the street, is that something that is really a concern of ours anyway?

Ms. Freyaldenhoven said if you look at the plans, you are adding this huge bonus bedroom up at the front, which is driving this thing up over the roof. There is nothing to skylights to bring light into a 23 by 14 foot room. It is really about the quality of the space you are adding too. You are getting a huge block of space there with no real window to it. That is part of what is driving the roof up.

Finding of fact

Ms. Freyaldenhoven moved that based on the facts presented in Application No. 767 and the public hearing, the Greensboro Historic Preservation Commission finds the proposed project is incongruous with the *Historic District Program Manual and Design Guidelines* and the following Guidelines on page 76, 1 through 6, and page 53, Guideline 1 are acceptable as findings of fact. Mr. Stout seconded the motion. The Commission voted 2-5 in favor of the motion, thereby defeating it. (Ayes: Freyaldenhoven, Stout. Nays: Bowers, Ayscue, Coleman, Hensley, Wharton.)

Mr. Wharton moved that based upon the facts presented in Application No 767 and the public hearing, the Greensboro Historic Preservation Commission finds that the proposed project is congruous with the *Historic District Program Manual and Design Guidelines* and Guidelines on pages 76,53 and 67???? are acceptable as findings of fact. Ms. Ayscue seconded the motion. The Commission voted 5-2 in favor of the motion. (Ayes: Bowers, Ayscue, Coleman, Hensley, Wharton. Nays: Freyaldenhoven, Stout.)

Motion

Mr. Wharton moved that the Greensboro Historic Preservation Commission approves Application No. 767 and grants a Certificate of Appropriateness to Charlie Connor for work at 758 Chestnut Street, based upon the following conditions: that the roofline of the rear gable addition not be visible from the midpoint of Chestnut Street; that materials be approved by staff; that the applicant submit a site plan to show the location of mechanical hearing and air conditioning for a separate COA; and that applicant also submit a tree protection plan. Ms. Ayscue seconded the motion. The Commission voted 5-2 in favor of the motion. (Ayes: Bowers, Ayscue, Coleman, Hensley, Wharton. Nays: Freyaldenhoven, Stout.)

g) Location: 913 Magnolia Street

Application No.762
Applicant: Mary Lee Copeland
Property Owner: Mary Lee Copeland
Date Application Received: 5-12-06 (GRANTED)

Description of Work

Removal of two Oak trees.

Note: Upon inspection by the City Arborist, the removal of one of the trees can be approved at the staff level since it is causing damage to the foundation of the house.

Based on information contained in the application, the staff recommends in favor of granting a Certificate of Appropriateness. In the staff's opinion the proposed tree removal is congruous with the *Historic District Design Guidelines—Trees and Landscaping (page 23)* for the following reasons:

Fact: The Oak tree in question is a volunteer. Eventually the tree will cause damage to an existing retaining wall along the sidewalk and possibly the house. There are a number of trees on the property and there does not appear to be a practical location to start a new tree based on analysis by the city arborist.

Guideline: 2. *Retain mature trees that contribute to the character of the historic district.*

Guideline: 3. *When replacing trees that are causing structural problems carefully consider the new location so that the tree will be able to mature in a healthy manner.*

In support

None.

In opposition

None.

Summary

Chair Bowers said this is Application No. 762 for work at 913 Magnolia Street. The applicant is Mary Lee Copeland. The description of work is tree pruning and removal. Staff recommends approving the application. The City Arborist came by and looked at the trees and said there a lot of trees on the lots and there was really no room for an additional tree. Staff cited Guidelines 2 and 3, page 23, and felt that the trees were detrimental to the foundation of the house.

There was no one to speak in support of the application and there was no one to speak in opposition to the application.

Discussion

None.

Finding of fact

Ms. Coleman moved that based upon the facts presented in Application No. 762 and the public hearing, the Greensboro Historic Preservation Commission find that the proposed project is congruous with the *Historic District Program Manual and Design Guidelines* and that staff comments lists Guidelines, Trees and Landscaping, page 23, Guidelines 2 and 2 are acceptable as findings of

findings of fact. Ms. Hensley seconded the motion. The Commission voted 7-0 in favor of the motion. (Ayes: Bowers, Ayscue, Coleman, Freyaldenhoven, Hensley, Stout, Wharton. Nays: None.)

Motion

Ms. Coleman moved that the Greensboro Historic Preservation Commission approves Application No. 762 and grants a Certificate of Appropriateness to Mary Lee Copeland for work at 913 Magnolia Street. Ms. Hensley seconded the motion. The Commission voted 7-0 in favor of the motion. (Ayes: Bowers, Ayscue, Coleman, Freyaldenhoven, Hensley, Stout, Wharton. Nays: None.)

Chair Bowers declared a 5-minute break.

- h) Location: 606 Magnolia Street**
Application No. 768
Applicant: Mike and Denise Cowhig
Property Owner: Same
Date Application Received: May 16, 2006 (GRANTED) (SPECIAL EXCEPTION RECOMMENDED)

Description of Work:

Construction of addition to house.

Based on information contained in the application, the staff recommends in favor of granting this Certificate of Appropriateness. In the staff's opinion the proposed project is congruous with the *Historic District Design Guidelines—Additions (page 76)* for the following reasons:

Fact: The proposed addition is designed to appear as a separate historic "out building" but is attached to the original historic structure by a breezeway to allow more flexibility in its use. It will share only one single story common wall with the original building and require no alterations to the original roof design. Due to property lines on Magnolia Street, the building must be placed at an angle and will also require a special exception to the rear setback by 5 feet.

Fact: The addition will be constructed out of wood board and batten siding, salvaged or new bricks for the foundation, salvaged or new true divided light windows and doors and a metal 5v crimp metal roof. The materials are in keeping with the utilitarian design of the addition and the goal of appearing as a historic outbuilding.

Guideline: *1. In terms of material, style, and detail, design additions to be compatible with the original structure rather than duplicating it exactly.*

Guideline: *2. Distinguish additions from the original structure through change in roofline, wall plane, detailing and/or material.*

Fact: The addition will be connected as a single story breezeway to the original historic structure. There will be minimal changes to the original rear elevation.

Guideline: *3. Locate, design and construct additions so that the character-defining features of the historic structure are not obscured, destroyed, damaged, or radically changed.*

Fact: The addition is at the rear of the property and will increase the heated square footage of the house by 495 sq. feet. It will not be easily visible from the street. It will be a single story addition connected to a story and a half addition.

Guideline: 4. *Limit the size and scale of additions so that the integrity of the original structure is not compromised.*

Guideline: 5. *Changes in height that alter the character and scale of the existing building to accommodate an addition are not appropriate.*

Fact: The addition will not involve significant site disturbance.

Guideline: 6. *Minimize site disturbance for construction of additions to reduce the possibility of destroying site features and/or existing trees.*

Note: A recommendation for a special exception to the Board of Adjustment is needed to allow for a 5-foot encroachment on the rear set back line of 15 feet.

In support

Mike Cowhig, 606 Magnolia Street, previously sworn or affirmed.

In opposition

None.

Summary

Chair Bowers said this is Application No. 768 for work at Magnolia Street. The applicant is Mike Cowhig. A description of project is an addition to the home. Staff recommending approving the application, citing Guidelines 1,2,3,4,5 and 6, page 76, and commented that there was excellent documentation. John Lind was the architect. The building is a garden building that is a separate building, attached with a breezeway and attached to one wall with minimal disturbance. It is adding 490 more square feet and it should not be seen from the street. There will need to be a Special Exception made for the five-foot encroachment into the setback to be requested of the Board of Adjustment.

Speaking in support of the application was Mike Cowhig, 606 Magnolia Street. He handed out a map of the area, explaining the history of the area around the Leftwich house and how the lots were all angled, creating kind of an odd situation for doing an addition. He cited that much of the neighborhood had carriage house structures before and there was a similar one at the entrance to the alley to the house. He said the addition would have wooden batten siding, a crimped metal roof, using salvage materials where possible, and taking off the aluminum siding and restoring siding on the house in the future. There was no one else to speak in support of the application.

There was no one to speak in opposition to the application.

Discussion

None.

Finding of facts

Ms. Coleman moved that based on the facts presented in Application No. 768 and the public

hearing, the Greensboro Historic Preservation Commission finds that the proposed project is congruous with the *Historic District Program Manual and Design Guidelines* and that staff comments and the following Guidelines, page 76, Nos. 1,2,3,4,5 and 6, are acceptable as findings of fact. Mr. Stout seconded the motion. The Commission voted 7-0 in favor of the motion. (Ayes: Bowers, Ayscue, Coleman, Freyaldenhoven, Hensley, Stout, Wharton. Nays: None.)

Motion

Ms. Coleman moved that the Greensboro Historic Preservation Commission approves Application No. 768 and grants a Certificate of Appropriateness to Mike and Denise Cowhig for work at 606 Magnolia Street. Mr. Stout seconded the motion. (Ayes: Bowers, Ayscue, Coleman, Freyaldenhoven, Hensley, Stout, Wharton. Nays: None.)

SPECIAL EXCEPTION

Mr. Wharton moved that the Greensboro Historic Preservation Commission recommend to the Board of Adjustment a Special Exception to allow this building to encroach into the setback as shown on the site plan. Ms. Coleman seconded the motion. The Commission voted 7-0 in favor of the motion. (Ayes: Bowers, Ayscue, Coleman, Freyaldenhoven, Hensley, Stout, Wharton. Nays: None.)

ITEMS FROM COMMISSION CHAIRMAN

None.

Mr. Wharton said he had a copy of an e-mail that he would like to pass out from Benjamin Briggs, who is the head of Preservation Greensboro, indicating that City Council and Mike Barber have asked the City staff to look at what the Department of Housing & Community Development might look like without the Historic Preservation Program. This is just for the Commission's information.

Mr. Cowhig said Andy Scott attended a meeting an hour ago and he told Mr. Cowhig that the Manager decided to take Historic Preservation off the table because it is so complicated to remove historic districts. He thought it was Historic Preservation up until an hour again that was under consideration as part of the budget process to see if they could come up with a budget that did not require a tax increase. That is how serious the budget negotiations have been this year.

ITEMS FROM DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Mr. Cowhig gave the Commissioners a copy of the College Hill report. College Hill was in the development target area and this is a closeout for the historic district.

Mr. Cowhig said also staff wanted to come back with some recommendations for minor adjustments to the Guidelines. He thought they had a great set of Guidelines right now, but it is amazing. He did not care what you include in the Guidelines, somebody will come up with something that you just did not think about before. They probably also need some tweaking in the areas of windows and a few things. We have had the problem of trees being topped, big limbs on trees that are taken off and staff would like to tweak the Guidelines and come back with a recommendation soon.

Ms. Geary said staff did take the Summit Avenue Corridor Plan to the Planning Board at their May meeting. They actually did not have a quorum, so that will be going back on their June agenda. Staff did a presentation and then they will do a brief update at their June meeting. One of the interesting thing that came out of that conversation was a real concern by the Planning Board regarding underground utility lines and creating some sort of alliance in Greensboro with their neighborhoods

neighborhoods to start lobbying Duke to change their policy on underground utility lines and making them a little more cost effective. It was very interesting for that to be one of the number one points that the Planning Board brought up. It apparently is one of the biggest issues that neighborhoods bring up in terms of just aesthetics and streetscapes. The obstacle is always this astronomical number per linear foot that Duke always gives for the cost of doing so.

Mr. Cowhig said they did need to schedule some training. Staff will get back with the Commission on that. But they would like to, if possible, hold some training in June, even if it were a lunchtime session where we go over some procedures.

SPEAKERS FROM THE FLOOR

None.

ADJOURN

Chair Bowers said the next meeting date is June 28, 2006.

* * * * *

There being no further business before the Commission, the meeting was adjourned at 6:55 p.m.

Respectfully submitted,

Mike Cowhig, Assistant Secretary
Greensboro Historic Preservation Commission

MC/jd.ps